

AUG 18 2006

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REMARKS

1. Applicant thanks the Examiner for the Examiner's comments, which have
5 greatly assisted Applicant in responding.

2. 35 U.S.C. §112, first paragraph

The Examiner rejected Claims 1-10 and 12-32, holding that a certain limitation was
10 not described in the specification in such a way as to enable one skilled in the art to
make and/or use the invention.

Regarding the limitations, at any point in time, the Examiner asserted that the "any
point in time" limitation is not disclosed in the specification. Further, the Examiner
15 held that on page 9, there is no disclosure of a specific time in which the user
assigned to a job profile gains access.

Applicant respectfully traverses.

20 (i) First, Applicant respectfully points out to the Examiner that the correct
limitation is at any point later in time. Because there is a time aspect to the claimed
invention, it is important to treat it correctly.

On this issue alone, Applicant is of the opinion that the action is not fully responsive
25 because the Examiner failed to perform an examination in accordance with MPEP
706:

MPEP 706 Rejection of Claims [R-3]:

30 After the application has been read and the claimed invention understood, a
prior art search for the claimed invention is made.

Applicant respectfully requests that the Examiner issue another office action that is
fully responsive.

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(ii) Second, the Specification is quite clear and supports at any later point in time
on page 15, line 23 through page 16, line 1):

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Separating access implementation process from the approval process.

According to the preferred implementation of the invention, the approval process occurs before the system grants an actual access.

- 5 Regarding Claim 1, Claim 1 when read in light of the specification is clear that when the user is assigned a job profile is part of the approval process while the actual access (automatically gains access) is part of the access process.

- 10 On this alone, Applicant is of the opinion that it is quite clear to one skilled in the art that the approval process occurring before access supports such that any user at any later point in time ... automatically gains access.

- 15 In addition, the specification is clear that the approval process comprises the manager obtaining approval at the time he/she is building or modifying the resource profile. Support can be found on page 16, lines 1-9, (emphasis added):

- 20 For the workgroup manager to request access to resources, a manager may obtain approval from one or more resource owners at the time he is building or modifying an existing resource profile. The workgroup managers may justify to resource owners the business needs for which their workgroup needs to obtain access to the resources. This separation process ensures that system owners approve all accesses to their systems according to business needs. In addition, it also removes the time lags resulting from the resource owner needing to approve or deny a request before the
- 25 access is granted.

- Another aspect of the approval process is once the resource and job profiles are created, they are assigned to each other by the manager (Specification, page 16, lines 17-19.)

- 30 One skilled in the art would appreciate that these features do not have anything to do with actual access by a user at this stage. One skilled in the art would appreciate that, at least at this stage, the actual access to the resource by the user takes place at a later point in time.

- 35 The Specification is also clear that after the resource and job profiles have been created, and after the resource owners approval access to their resources, then the

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manager assigns user to the specified job profile (Specification page 16, line 25 through page 17, line 5, emphasis added):

5 If the resource owners approve accessing their respective resources, which are included in the resource profile, **the manager may assign users to the specified job profile**. Consequently, the users that are assigned to the specified job profile gain access rights and privileges to the resources included in the resource profile that is assigned to the specified job profile.

10 Clearly the first sentence above is an "if-then" construction, which means the if clause must happen before the then clause. So, clearly, once again, the claimed such that any user at a later point in time assigned to the approved job profile by the manager automatically gains approval and access to the at least one resource is supported in the specification.

15 Further support can be found on page 33, line 24 through page 34, line 3, (emphasis added):

20 **Separating the approval process from the access process** for accessing a resource **removes the time lags** resulting from the resource owner needing to review and approve or deny access permission every time an actual access is granted. The approval process may occur **before** an actual access request is fulfilled.

25 Further support can be found on page 17, lines 20-24 (emphasis added):

30 Advantageously, new bank tellers **who may later join the bank** are also able to access such resources **after their managers have assigned them** to the "Job_Function_Bank_Teller" job profile, **without needing to go through the approval process every time they desire to access such resources**.

35 The above are specific citations from the Specification as support. The fact is that the patent application taken as a whole would be clear to one skilled in the art that the approval process happens once for the job profile and is separate from a user at any later point in time being granted access.

Applicant is of the opinion that the record clearly demonstrates that the written description is adequate to support the claim(s).

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Therefore, in view of the argument and evidence provided hereinabove, Applicant is of the opinion that the rejection under 35 U.S.C. §112 is overcome. Applicant respectfully requests that the Examiner withdraw the rejection.

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3. 35 U.S.C. §112, second paragraph

The Examiner rejected Claims 1-10 and 12-32, holding that the claims were rejected under new matter with regard to the limitation "at any point in time."

10

Applicant respectfully traverses.

(i) Applicant is of the opinion that the rejection of Claims 1-10 and 12-32 under 35 U.S.C. §112, second paragraph is deemed moot in view of Applicant's comments concerning the Claims rejection under 35 U.S.C. §112, first paragraph, above.

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In addition, because the Examiner took the erroneously position that such limitation was not disclosed, the Examiner did not search for this feature.

However, Applicant has demonstrated hereinabove that (1) the Examiner failed to read the limitation correctly, and (2) the Examiner failed to read and understand the application and hence did not find in the specification the correct limitation, which Applicant has shown is clearly disclosed in the specification.

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Applicant respectfully points out that the rejection under 35 U.S.C. §112, second paragraph is baseless. Applicant respectfully requests that the Examiner search the correct limitation, as is Applicant's right by law.

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Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §112, second paragraph.

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(ii) **Any arguments on this limitation are moot, because this is new matter.**

Regarding the erroneous limitation, "at any point in time," the Examiner also held that any arguments on this limitation are moot, because this is new matter.

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In view of the discussion hereinabove, Applicant has shown that the Examiner failed to read the application and failed to understand the claimed invention.

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That is, the Examiner disregarded MPEP 706 Rejection of Claims [R-3]:

5 After the application has been read and the claimed invention understood, a
prior art search for the claimed invention is made.

Applicant respectfully points out that the Examiner also disregarded 37 CFR § 1.104
Nature of examination.

10 (a) *Examiner's action.*

 (1) On taking up an application for examination or a patent in a reexamination
proceeding, the examiner shall make a thorough study thereof and shall make
a thorough investigation of the available prior art relating to the subject matter
15 of the claimed invention. The examination shall be complete with respect both
to compliance of the application or patent under reexamination with the
applicable statutes and rules and to the patentability of the invention as
claimed, as well as with respect to matters of form, unless otherwise indicated

20 Applicant respectfully requests that the Examiner perform an examination at least in
accordance with MPEP 706 and 37 CFR §1.104.

4. **35 U.S.C. §103(a)**

25 Applicant reminds the Examiner that Applicant's claims are entitled to a presumption
of validity and that the burden is on the Examiner to establish the unpatentability of
Applicant's claims. Here, the Examiner has failed to establish that each and every
element of the claimed invention is found in the cited reference.

30 Simply put, the application is allowable because it meets the conditions for allowance
set forth by the applicable Patent Laws, Patent Office Rules, and Case Law.

Applicant respectfully requests that the Examiner withdraw the rejection under 35
U.S.C. §103(a).

35 Nevertheless, Applicant has amended the independent Claims to clarify the
invention. No new matter has been added. Support can be found at least in the
citations presented hereinabove.

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5. It should be appreciated that Applicant has elected to amend the Claims solely for the purpose of expediting the patent application process in a manner consistent with the PTO's Patent Business Goals, 65 Fed. Reg. 54603 (9/8/00). In making such cancellation and amendment, Applicant has not and does not in any way narrow the scope of protection to which Applicant considers the invention herein to be entitled. Rather, Applicant reserves Applicant's right to pursue such protection at a later point in time and merely seeks to pursue protection for the subject matter presented in this submission.

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CONCLUSION

5 Based on the foregoing, Applicant considers the present invention to be distinguished from the art of record. Accordingly, Applicant earnestly solicits the Examiner's withdrawal of the rejections raised in the above referenced Office Action, such that a Notice of Allowance is forwarded to Applicant, and the present application is therefore allowed to issue as a United States patent. The Examiner is invited to call the Attorney/Agent at (650) 474-8400 to discuss the response.

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Respectfully Submitted,



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